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\* Admitted in NY only  
\*\* Passed the Patent Bar Examination  
\*\*\* Admitted in TX only

December 19, 2001

Box Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

Re: Continuation-in-Part Patent Application Serial No. 09/746,660  
Title: *Corynebacterium Glutamicum Genes  
Encoding Metabolic Pathway Proteins*  
Filed: December 22, 2000  
Inventors: Markus Pompejus, et al.  
Attorney Docket No.: BGI-121CP2

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Notice to File Missing Parts of Nonprovisional Application (2 pgs.);
2. Copy of Formalities Letter;
3. Executed Declaration, Petition and Power of Attorney Document (6 pgs);
4. Preliminary Amendment (14 pgs. including Appendix A and Version with Markings to Show Changes Made);
5. Transmittal Letter for diskette containing Substitute Sequence Listing (1pg.);
6. Substitute Sequence Listing (176 pgs).
7. Diskette containing Substitute Sequence Listing;
8. Request for a Three-Month Extension of Time (1pg)
9. Check in the amount of \$920.00 (to cover extension fee);
10. Check in the amount of \$3136.00 to cover the total amount due by Applicants (\$740.00 filing fee, \$2,266.00 extra claims fee, and \$130.00 surcharge fee); and
11. Return postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. *A duplicate of this sheet is enclosed.*

Certificate of First Class Mailing (37 C.F.R. §1.8(a))

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231 on:

December 19, 2001

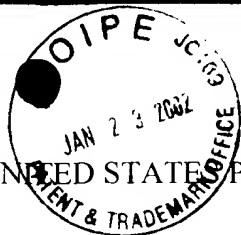
Date

Giulio A. DeConti, Jr., Esq. Reg. No. 31,503

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Giulio A. DeConti, Jr., Esq.  
Reg. No. 31,503 FOR  
Elizabeth A. Hanley, Esq.  
Reg. No. 33,505



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re the application of:** Markus Pompejus, *et al.*

**Serial No.:** 09/746,660

**Filed:** December 22, 2000

**For:** *Corynebacterium glutamicum Genes Encoding Metabolic Pathway Proteins*

**Attorney Docket No.:** BGI-121CP2

**Group Art Unit:** 1645

**Examiner:**

Box Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

**Certificate of First Class Mailing (37 C.F.R. §1.8(a))**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

**December 19, 2001**

**Date of Signature and of Mail Deposit**

**By:**

*Giulio A. DeCenti, Jr.*  
**Giulio A. DeCenti, Jr., Esq.**

**Reg. No. 31,503**

**Attorney for Applicants**

**RESPONSE TO NOTICE TO FILE MISSING PARTS**  
**OF NONPROVISIONAL APPLICATION**

Dear Sir:

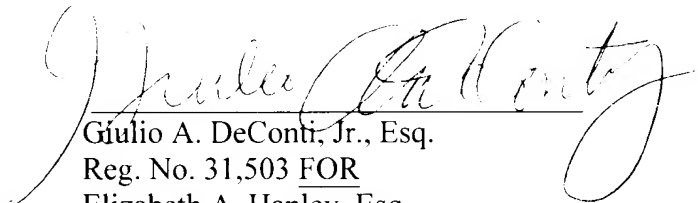
Responsive to the Notice to File Missing Parts of Nonprovisional Application dated July 19, 2001, Applicants' attorney submits herewith 176 Sheets of Substitute Sequence Listing (numbered 1-176), and an executed Declaration, Petition and Power of Attorney Document (6 pages). Also enclosed is a check in the amount of **\$3136.00** to cover the total amount due by Applicants (\$740.00 filing fee, \$1,314.00 for claims over 20, \$672.00 for independent claims over 3, \$280.00 for multiple dependent claims

surcharge, and \$130.00 surcharge fee). Applicants believe the enclosed fee amount is due based on amendments to the claims made in the Preliminary Amendment, filed herewith. A Request for a Three-Month Extension of Time and the appropriate fee is being filed concurrently herewith.

The Commissioner is hereby authorized to charge payment of any fees under 37 C.F.R. §§1.16 and 1.17 during the pendency of this application or credit any overpayment to Deposit Account No. 12-0080.

Please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. *A duplicate of this letter is enclosed.*

Respectfully submitted,



Giulio A. DeConti, Jr., Esq.  
Reg. No. 31,503 FOR  
Elizabeth A. Hanley, Esq.  
Reg. No. 33,505  
Attorney for Applicants

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28 State Street  
Boston, MA 02109  
Tel. (617) 227-7400

Dated: December 19, 2001



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20230  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/746,660	12/22/2000	Markus Pompejus	BGI-121CP2

CONFIRMATION NO. 1463

## FORMALITIES LETTER



\*OC00000006318630\*

000959  
LAHIVE & COCKFIELD  
28 STATE STREET  
BOSTON, MA 02109

Date Mailed: 07/19/2001



## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/28/2002 HTECKLU1 00000062 09746660

FILED UNDER 37 CFR 1.53(b)

03/05/2002 HMAWOL 00000012 09746660

01 FC:101 740.00 OP  
02 FC:103 1206.00 OP  
03 FC:102 672.00 OP  
04 FC:104 280.00 OP  
05 FC:105 130.00 OP

Filing Date Granted

01 FC:103 90.00 OP  
02 FC:998 18.00 OP

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$2116.
  - \$1206 for 67 total claims over 20.
  - \$640 for 8 independent claims over 3.
  - \$270 for multiple dependent claim surcharge.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2956.**

Repln./Ref: 01/28/2002 HTECKLU1 0010272700  
DIN: 120080 Name/Number: 09746660  
FC: 704 \$108.00 CR

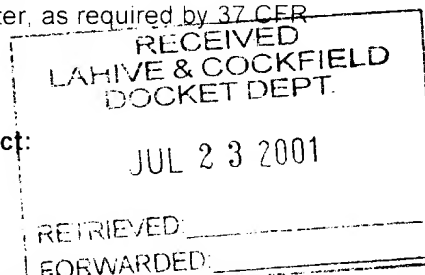
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.822(a), 1.822(b), or 1.825(d).

03/05/2002 HMAWOL 00000012 09746660  
01 FC:103 .90.00 OP

For questions regarding compliance to these requirements, please contact:

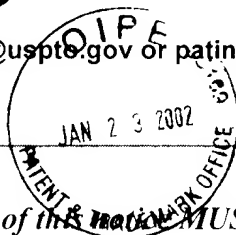
Void date: 03/05/2002 HMAWOL  
03/05/2002 HMAWOL 00000011 09746660  
01 FC:103

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at



Adjustment date: 03/05/2002 HMAWOL  
02/01/2002 HTECKLU1 00000009 09746660  
01 FC:103 -108.00 OP

patin21help@uspto.gov or patin3help@uspto.gov



*A copy of this notice MUST be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE